

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WAYLAND DEE KIRKLAND,

Petitioner,

No. CIV S-02-1266 DFL CMK P

vs.

D.K. BUTLER, et al.,

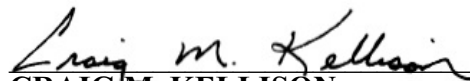
Respondents.

ORDER

On August 30, 2006, petitioner filed a motion for return of two video cassette tapes which he lodged as evidence in this matter. As petitioner has filed a notice of appeal in this action, this case is ongoing, and the video cassettes are part of the record, which must be transmitted to the court of appeal.

IT IS ORDERED THAT petitioner's request is denied without prejudice.

DATED: September 6, 2006.


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE